

Message Text

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PAGE 01 STATE 233069

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DRAFTED BY EUR/CAN:KKJONIETZ:RM
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OES:HSPIELMAN(SUBS)
EPA:CKLEVENO (SUBS)

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O 202158Z SEP 76

FM SECSTATE WASHDC

TO AMEMBASSY OTTAWA IMMEDIATE

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E.O. 11652: N/A

TAGS: SENV, CA

SUBJECT: AMBASSADOR'S SPEECH ON THE ENVIRONMENT

REF: OTTAWA 2736

1. FOLLOWING ARE COMMENTS ON THE DRAFT OF AMBASSADOR
ENDER'S ENVIRONMENT SPEECH WHICH HAVE BEEN DISTILLED BY
EUR/CAN FOLLOWING COMMENTS BY L/EUR, OES, EB AND EPA.
ADDITIONAL EPA COMMENTS WILL BE FORWARDED TOMORROW. WE
HAVE NOT ATTEMPTED ANY STRICTLY EDITORIAL CHANGES AND
EMBASSY WILL UNDOUBTEDLY WISH TO MAKE ADJUSTMENTS SO AS
TO SMOOTH OUT THE TEXT IN VIEW OF THE COMMENTS GIVEN BELOW.
COMMENTS KEYED TO PARAS REFTEL.

PARA. 14. INSERT FOLLOWING SUBSTITUTE PARA. AN ENORMOUS
AMOUNT HAS BEEN ACHIEVED IN THE LAST FIVE YEARS. THE
TREND IN ALL STATES REFLECTS AN ACROSS THE BOARD IMPROVEMENT
IN AIR QUALITY . . . SIMILARLY, MOST MAJOR
LAKE AND RIVER SYSTEMS HAS SHOWN VITAL SIGNS OF IMPROVEMENT.

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PAGE 02 STATE 233069

PARA 16. SUGGEST: THE PRACTICE HAS BEEN WELL DEVELOPED

FOR SOME TIME BETWEEN US . . .

PARAS 17 & 19. THE DIFFERENTIATION BETWEEN OFFSHORE AND SEABORNE POLLUTION ESCAPES US. PERHAPS WHAT IS MEANT IS INLAND WATER AND OFF-SHORE POLLUTION.

PARA 18. INSERT AFTER FIRST SENTENCE: IT IS INTERESTING TO NOTE, AND IS SYMPTOMATIC OF THE FAST PACE OF TECHNOLOGICAL DEVELOPMENT IN THE ENVIRONMENTAL FIELD, THAT THIS PARTICULAR PROBLEM WAS UNKNOWN EVEN THREE YEARS AGO.

PARA 21. SUGGEST: . . . POWER GENERATING PLANT ON THE POPLAR RIVER RISK DECREASED WATER QUALITY AND QUANTITY IN NORTHEASTERN MONTANA. IN NORTH DAKOTA, IT IS THE CANADIAN GOVERNMENT'S VIEW THAT THE GARRISON DIVERSION IRRIGATION PROJECT, IF CARRIED TO COMPLETION AS ORIGINALLY CONCEIVED, COULD POLLUTE WATER FLOWING INTO MANITOBA. IN THIS INSTANCE BOTH GOVERNMENTS HAVE REFERRED THE MATTER TO THE IJC FOR AN IMPARTIAL DETERMINATION OF THE EFFECTS OF THIS PROJECT. IN QUEBEC, WATER LEVEL CONTROL PROJECTS ON THE RICHELIEU RIVER COULD ADVERSELY ALTER THE LAKE CHAMPLAIN ECOSYSTEM IN THE US.

PARA 22. SUGGEST: BOTH THE US AND CANADA HAVE FOR MANY YEARS MISUSED THE LAKES, UNTIL FINALLY . . .

PARA 23. REVISE FIRST SENTENCE TO BEGIN: BOTH COUNTRIES HAVE MADE REMARKABLE PROGRESS IN PROGRAMS AND MEASURES TO ACHIEVE . . . SUGGEST DELETION OF SENTENCE BEGINNING "IN ANY EVENT . . ."--WE NEED NOT BE THIS APOLOGETIC.

PARA 24. SUBSTITUTE IN SECOND SENTENCE "WHILE IT IS TRUE THAT PROGRESS HAS NOT BEEN AS RAPID AS WE WOULD HAVE LIKED. . ." INSERT "AMENDMENTS" BETWEEN ACT AND OF 1972. SUGGEST: "WHICH REQUIRES UNDER LAW THAT INDUSTRIES AND MUNICIPALITIES HAVE TO MEET CERTAIN STANDARDS COVERING DISCHARGED WASTES."

PARA 26. SUGGEST: BOTH CANADA AND THE US ARE AGAIN RELIMITED OFFICIAL USE

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PAGE 03 STATE 233069

VIEWING . . .

PARA 29. SOMETHING IS MISSING. MEANING UNCLEAR.

PARA 32. SUBSTITUTE 1975 CONVENTION ON PREVENTION OF POLLUTION BY SHIPS FOR LAW OF THE SEA TREATY. DELETE SENTENCE RE LORAN C. INSERT VOLUNTARY BEFORE VESSEL

TRAFFIC SEPARATION SCHEME. DELETE REF TO WASHINGTON STATE RESTRICTIONS. FYI: THESE ARE PRESENTLY BEING DISPUTED IN THE COURTS.

PARA 33. END PARA AT PROPOSALS.

PARA 36. EPA REQUESTS FOLLOWING CHANGES: PROGRESS IN AIR POLLUTION ABATEMENT . . . NEXT FIVE YEARS. ALL EMISSIONS . . . REDUCED. FURTHER LEGISLATION ON EXHAUSTS IS AWAITED SHORTLY. NEW COAL OR OIL FIRED POWER PLANTS ARE UNDER STRICT ABATEMENT REGULATIONS AND WILL BE REQUIRED TO MEET NEW SOURCE PERFORMANCE STANDARDS THEREBY COMPLYING WITH THE NATIONAL AMBIENT AIR QUALITY STANDARD. REMAINDER PARA DELETED.

PARA 37. SUGGEST ALTERNATE PHRASEOLOGY BE FOUND TO CONVEY SAME POINT.

PARA 38. INSERT "FOR THE MOMENT" BETWEEN "PROBLEM AND EXISTS." SUGGEST: PLEDGED COOPERATION IN IMPLEMENTING AND RESPECTIVE AIR POLLUTION . . .

PARA 39. PREVAILING WINDS ARE FROM NORTH TO SOUTH AND ON BALANCE, CANADA PROBABLY CONTRIBUTES MORE AIRBORNE POLLUTION TO THE US THAN VICE VERSA. THEREFORE, WE SUGGEST REPLACING INITIAL TWO SENTENCES AS FOLLOWS: WHILE IT COULD BE ARGUED THAT THE US HAS CAUSED THE BULK OF WINDSOR'S AIR POLLUTION PROBLEMS, AIR POLLUTION IS BY NO MEANS . . . THE AMERICAN ENVIRONMENT, WHICH HELPED TO ESTABLISH THE INTERNATIONAL . . .

PARA 41. LINE 3, SUBSTITUTE "AGAINST" FOR "DEVELOPMENTS." LIMITED OFFICIAL USE

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PAGE 04 STATE 233069

INSERT "AND COMMENT ON" BETWEEN "IDENTIFY AND POTENTIAL" IN LAST SENTENCE.

PARA 43. SUGGEST: HAS PROPOSED TO BUILD ON THE TWO ASSESSMENT PROCEDURES BY RECIPROCAL NOTIFICATION, AT LEAST ON A QUARTERLY BASIS, OF PROJECTS . . .

PARA 44. SUGGEST ELIMINATING ENTIRE PARA. CONSULTATION HAS BEEN MORE OR LESS CONTINUOUS SINCE SIGNATURE OF THE BWT.

PARA 45. SUGGEST: TIMELY CONSULTATION CONSISTENT WITH WELL DEVELOPED BILATERAL PRACTICE AND, WHERE APPROPRIATE, NEGOTIATIONS AND AGREEMENTS TO HANDLE SPECIFIC PROBLEMS CAN ALSO HELP. THE CLASSIC EXAMPLE OF AN AGREEMENT TO

MEET A SPECIFIC NEED IS THE GREAT LAKES WATER QUALITY

AGREEMENT. THE ADVANTAGE OF THIS APPROACH . . . SUGGEST
UMBRELLA VICE GRANDFATHER IN LAST SENTENCE REF PARA.

PARA 46. SUBSTITUTE "CAN PERHAPS BEST" FOR "ONLY" RE
LOS NEGOTIATIONS.

PARA 48. START: OFTEN THE MOST EFFECTIVE MEANS . . .
SUBSTITUTE, "TECHNICAL EXPERTISE AND EXPERIENCE" FOR
"BASIS ON LAW." INSERT FOLLOWING REGULATES: "USES OF
BOUNDARY AND TRANSBOUNDARY WATERS." DELETE WATER FLOWS.
DELETE "SEEKS TO CONTROL FLOODING SITUATIONS."

PARA 50. SUBSTITUTE FOLLOWING SIMILAR STANDARDS, "BUT
EXPERIENCE HAS SHOWN THAT CONSULTATIONS IN ADVANCE OF THE
ENACTMENT OF LEGISLATION CAN PAY DIVIDENDS."

PARA 51. DELETE "TO SET POLICY,"

PARA 53. PERHAPS SHOULD FOLLOW PARA 51. FOLLOWING IN-
STITUTIONS INSERT "IN PARTICULAR THE IJC. BOTH GOVERN-
MENTS, SATISFIED WITH THE LONG AND FRUITFUL PRACTICE OF
THE COMMISSION, SHOULD BE ALERT TO POSSIBILITIES FOR EN-
HANCING ITS ROLE AND RESPONSIBILITIES. A NUMBER OF
PENDING MATTERS BEFORE THE IJC MAY HELP ILLUMINATE NEW
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PAGE 05 STATE 233069

APPROACHES TO ADDRESSING BOUNDARY ENVIRONMENTAL CON-
CERNS BY IMPROVING COMMISSION MECHANISM." DELETE REMAINDER
PARA 53 AND ALL OF PARA 54.

PARA 56 AND 57. WE RECOMMEND AGAINST AMBASSADOR'S
MENTIONING THE ROSS DAM CASE AT THIS TIME. AS OUTLINED IN
POST-JONIETZ TELCON THIS DATE ROSS DAM NEGOTIATIONS
BETWEEN B.C. AND SEATTLE CITY LIGHT ARE PROGRESSING IF NOT
AT SUPERSONIC PACE AT LEAST AS WELL AS COULD BE EXPECTED.
UTILITY OF RAISING THIS ISSUE IS THEREFORE DUBIOUS,
ESPECIALLY IN VIEW OF B.C.'S NON-COMPLIANCE WITH EXISTING
CONTRACT.

PARA 60. DELETE REFERENCE TO LIABILITY ARRANGEMENTS.

PARA 63. SINCE THE PROCESS LEGISLATION IS STILL UNDER
CONSIDERATION ITS CONTENT IS FLUID. WE THINK THE MOST
ACCURATE REPRESENTATION OF THE DATES AT PRESENT WOULD BE
FPC RECOMMENDATION, MAY 1; INTERESTED PARTY COMMENTS,
JULY 1; PRESIDENTIAL DECISION, SEPTEMBER 2.

PARA 66. SUBSTITUTE "BUT ALL OF WHICH ARE OF MUTUAL CON-

CERN" FOR "SOME JOINTLY CAUSED." ROBINSON

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